



**Request for City Council Committee Action
From the Department Public Works**

Date: December 2, 2003
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Subject: **Execution of a Quit Claim Deed to the Heritage Housing, LLC to clear title to vacated Howell Drive.**

Recommendation:

- Authorizing the proper City officials to execute a Quit Claim Deed to the Heritage Housing, LLC

Previous Directives:

- October 24, 2003 Resolution 2003R-523, Vacation of Howell Drive and other easements within the Heritage Park Housing Development Project.

Prepared by: Dennis Morris, Public Works Right of Way Supervisor, 673-3607

Approved by: _____
Klara A. Fabry, P.E., City Engineer, Director of Public Works

Presenters: Dennis Morris, Right of Way Supervisor, Engineering Services Division

Financial Impact (Check those that apply)

- ☒ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
☐ Action requires an appropriation increase to the Capital Budget
☐ Action requires an appropriation increase to the Operating Budget
☐ Action provides increased revenue for appropriation increase
☐ Action requires use of contingency or reserves
☐ Other financial impact (Explain):
☐ Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information:

Resolution 2003R-523, approved by the City Council on October 24, 2003 vacated several streets and easements to allow the reconfiguration of streets and the redevelopment of property as part of the Heritage Park project. One of the streets included in that vacation resolution was Howell Drive.

The MCDA has since sold the property to a private developer, Heritage Housing, LLC. Prior to the sale a title report provided by the MCDA identified a discrepancy in the vacation proceedings. The Council Resolution identified Howell Drive as being a street dedicated by plat. It was actually conveyed to the City by means of an easement deed (Doc. No. 3848708). We have determined that the simplest method to resolve the issue is by issuance of a Quit Claim deed from the City to the Heritage Housing, LLC. The deed will eliminate the City's easement rights for Howell Drive.

Cc: Shelley Roe, City Attorney's Office